

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

In re:

MODIFIED CHAPTER 13 PLAN

James David Duckstad and  
Tammy Lynn Duckstad,

DEBTORS.

Dated: December 18, 2014

Case No.: 14-60688

**1. DEBTOR'S PAYMENTS TO TRUSTEE -**

- a. As of the date of this plan, the Debtors has paid the trustee \$0.00.
- b. After the date of this plan, the Debtors will pay the trustee \$994.00 for one month beginning December 4, 2014 for a total of \$994.00, \$1,000.00 per month for 54 months beginning on January 4, 2015 for a total of \$54,000.00, and \$1,200.00 per month for 5 months beginning on July 4, 2019 for a total of \$6,000.00.
- c. The debtor will also pay the trustee \$0.00.
- d. The debtor will pay the trustee a total of \$60,994.00. [line 1(a) + line 1(b) + line 1(c)].

**2. PAYMENTS BY TRUSTEE -** The trustee will pay from available funds only creditors for which proofs of claim have been filed. The Trustee may collect a fee of up to 10% of plan payments, or \$6,099.00 [line 1(d) x .10].

**3. ADEQUATE PROTECTION PAYMENTS [§ 1326(a)(1)(C)] –** The Trustee will promptly pay from available funds adequate protection payments to creditors holding allows claims secured by personal property, according to the following schedule, beginning in month one(1).

<i>Creditor</i>	<i>Monthly Payment</i>	<i>Number of Payments</i>	<i>TOTAL PAYMENTS</i>
a. _____	\$ _____	_____	\$ _____
<b>TOTAL</b>			\$ _____

**4. EXECUTORY CONTRACTS AND UNEXPIRED LEASE [§365] –** The debtor assumes the following executory contracts or unexpired leases. Cure provisions, if any, are set forth in ¶ 7.

<i>Creditor</i>	<i>Description of Property</i>
a. _____	_____

**5. CLAIMS NOT IN DEFAULT -** Payments on the following claims are current and the debtor will pay the payments that come due after the date of the petition was filed directly to the creditors. The creditors will retain liens, if any.

<i>Creditor</i>	<i>Description of Claim</i>
a. <u>Chase Bank USA</u>	<u>Homestead</u>

b. Ocwen Loan Servicing, LLC Homestead  
c. Fifth Third Bank 2013 Kia Soul

**6. HOME MORTGAGES IN DEFAULT [§ 1322(b)(5) and §1322(e)]** - The trustee will cure defaults on the following claims secured only by a security interest in real property that is the debtor's principal residence. The debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens. All following entries are estimates. The trustee will pay the actual amounts of default.

Creditor	Amount of Default	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
a. _____	\$ _____				\$ _____
b. _____	\$ _____				\$ _____
<b>c. TOTAL</b>					<b><u>\$0.00</u></b>

**7. CLAIMS IN DEFAULT [§ 1322(b)(3) and (5) and § 1322(e)]** - The trustee will cure defaults on the following claims as set forth below. The debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens, if any. All following entries are estimates, except for interest rate.

Creditor	Amount of Default	Int. rate (if applicable)	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
a. _____	\$ _____					\$ _____
<b>b. TOTAL</b>						<b><u>\$0.00</u></b>

**8. OTHER SECURED CLAIMS; SECURED CLAIM AMOUNT IN PLAN CONTROLS [§ 1325(a)(5)]** - The trustee will pay, on account of the following allowed secured claims, the amount set forth in the "Total Payments" column, below. The creditors will retain liens securing the allowed secured claims until the earlier of the payment of the underlying debt determined under nonbankruptcy law, or the date of the debtor's discharge. NOTWITHSTANDING A CREDITOR'S PROOF OF CLAIM FILED BEFORE OR AFTER CONFIRMATION, THE AMOUNT LISTED IN THIS PARAGRAPH AS A CREDITOR'S SECURED CLAIM BINDS THE CREDITOR PURSUANT TO 11 U.S.C. § 1327 AND CONFIRMATION OF THE PLAN IS A DETERMINATION OF THE CREDITOR'S ALLOWED SECURED CLAIM.

Creditor	Claim Amount	Secured Claim	Int. Rate	Beginning in Month #	(Monthly Payments)	(Number of Payments)	(Adequate Protection from §3)	TOTAL
a. _____	\$ _____	\$ _____	_____	\$ _____	_____	_____	_____	\$ _____
<b>b. TOTAL</b>								<b><u>\$0.00</u></b>

**9. PRIORITY CLAIMS** – The trustee will pay in full all claims entitled to priority under § 507, including the following. The amounts listed are estimates. The trustee will pay the amounts actually allowed.

<i>Creditor</i>	<i>Estimated Claim</i>	<i>Monthly Payment</i>	<i>Beginning in Month #</i>	<i>Number of Payments</i>	<i>TOTAL PAYMENTS</i>
a. <u>Attorney Fees</u>	<u>\$ 1,250.00</u>				\$1,250.00
b. <u>Domestic support</u>	\$				
c. <u>IRS</u>	\$				
d. <u>MN Dept of Rev.</u>	\$				
<b>e. TOTAL</b>					<b><u>\$1,250.00</u></b>

10. **SEPARATE CLASS OF UNSECURED CREDITORS** - In addition to the class of unsecured creditors specified in ¶ 11, there shall be a separate class of non-priority unsecured creditors described as follows:\_\_\_\_\_ The trustee will pay the allowed claims of the following creditors. All entries below are estimates.

<i>Creditor</i>	<i>Interest Rate (if any)</i>	<i>Claim Amount</i>	<i>Monthly Payment</i>	<i>Beginning in Month #</i>	<i>Number of Payments</i>	<i>TOTAL PAYMENTS</i>
a. _____	—	\$ _____	\$ _____	—	\$	
b. _____	—	\$ _____	\$ _____	—	\$	
<b>c. TOTAL</b>						<b>\$ _____</b>

11. **TIMELY FILED UNSECURED CREDITORS** - The trustee will pay holders of nonpriority unsecured claims for which proofs of claim were timely filed the balance of all payments received by the trustee and not paid under ¶ 2, 3, 6, 7, 8, 9 and 10 their pro rata share of approximately \$53,645.00[line 1(d) minus lines 2, 6(c), 7(b), 8(b), 9(e) and 10(c)].

- The debtor estimates that the total unsecured claims held by creditors listed in ¶ 8 are **\$0.00.**
- The debtor estimates that the debtor's total unsecured claims (excluding those in ¶ 8 and ¶ 10) are **\$187,162.55.**
- Total estimated unsecured claims are **\$187,162.55** [line 11(a) + line 11(b) ].

NOTE:

12. **TARDILY -FILED UNSECURED CREDITORS** - All money paid by the debtor to the trustee under ¶ 1, but not distributed by the trustee under ¶ 2, 3, 6, 7, 8, 9, 10 or 11 will be paid to holders of nonpriority unsecured claims for which proofs of claim were tardily filed.

### 13. **OTHER PROVISIONS** –

The Debtors shall sent the Trustee each year during the Chapter 13 Plan copies of federal and state income tax returns at the time they are filed. The Debtors shall also promptly report to the Trustee the receipt of any federal and state tax refunds for the duration of this Chapter 13 case. The Debtors shall be entitled to retain the first \$1,200.00 (single debtor or single tax return filer) or \$2,000.00 (joint debtor or joint tax return filer), plus any earned income credit (EIC). Any remaining amount shall be turned over to the Chapter 13 Trustee as additional plan payments.

The trustee may distribute additional sums not expressly provided for herein at the trustee's discretion. All disposable income including tax refunds shall be applied to the plan payments under this plan.

The Debtors shall pay their first mortgage to Chase Bank USA, their second mortgage to Ocwen Loan Servicing, LLC and their auto loan to Fifth Third Bank outside of this plan.

The Debtors' intention is to not reaffirm the debt with Dell listed on Schedule D. The Debtors' intention is to surrender the collateral relative to the debt in favor of Dell. Any remaining debt owed to Dell shall be treated as an unsecured debt.

The Debtors' intention is to not reaffirm the debt with Polaris, Capital One Retail Services listed on Schedule D. The Debtors' intention is to surrender the collateral relative to the debt in favor of Polaris, Capital One Retail Services. Any remaining debt owed to Polaris, Capital One Retail Services shall be treated as an unsecured debt.


#### 14. SUMMARY OF PAYMENTS

Trustee's Fee [Line 2] .....	\$6,099.00
Home Mortgage Defaults [Line 6(c)] .....	\$0.00
Claims in Default [Line 7(d)] .....	\$0.00
Other Secured Claims [Line 8(d)] .....	\$0.00
Priority Claims [Line 9(f)] .....	\$1,250.00
Separate Classes [Line 10(c)] .....	\$ 0.00
Unsecured Creditors [Line 11] .....	<u>\$53,645.00</u>
<b>TOTAL [must equal Line 1(d)] .....</b>	<b>\$60,994.00</b>

Duffy Law Office

/s/ Seamus P. Duffy

Seamus P. Duffy  
Attorney for Debtor  
PO Box 715  
Thief River Falls, MN 56701  
Telephone (218) 681-8524  
Attorney ID # 332 136

Signed: 

James David Duckstad, DEBTOR

Signed: 

Tammy Lynn Duckstad, DEBTOR

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

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In re:

James David Duckstad and  
Tammy Lynn Duckstad,

Debtors.

Bky No: 14-60688

Chapter 13 Case

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**NOTICE OF CONFIRMATION HEARING**

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**TO: ALL INTERESTED PARTIES**

**YOU WILL PLEASE TAKE NOTICE**, that the Confirmation Hearing in this matter is scheduled for **January 27, 2015 at 10:00 a.m.** at the Courtroom #2, U.S. Post Office Building, 118 S Mill Street, Fergus Falls, Minnesota 56537. If you want to be heard on this case, you should plan on appearing at the above date and time.

Date: December 18, 2014

DUFFY LAW OFFICE

/s/ Seamus P. Duffy

Seamus P. Duffy  
Attorney for Debtor  
P.O. Box 715  
Thief River Falls, MN 56701  
218-681-8524  
Attorney ID # 332 136

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

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James David Duckstad and  
Tammy Lynn Duckstad,

BKY No: 14-60688

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**UNSWORN CERTIFICATE OF SERVICE**

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I, Carol Adensam, certify that on December 18, 2014, I caused a copy of the **Modified Chapter 13 Plan and Notice of Confirmation Hearing** to be filed electronically with the Clerk of Court through ECF, and that ECF will send an E-notice of the electronic filing to the following:

Kyle Carlson [info@carlsonch13mn.com](mailto:info@carlsonch13mn.com), barnesvillemn13@ecf.epiqsystems.com

US Trustee [ustpreion12.mn.ecf@usdoj.gov](mailto:ustpreion12.mn.ecf@usdoj.gov),

**AND**

I, Carol Adensam, declare under penalty of perjury that on December 18, 2014, I mailed copies of the foregoing **Modified Chapter 13 Plan and Notice of Confirmation Hearing** first class mail postage prepaid to each entity named below at the address stated below for each entity:

See Attached List

Executed on: December 18, 2014.

Signed: /e/ Carol Adensam

Carol Adensam  
DUFFY LAW OFFICE  
PO Box 715  
Thief River Falls, MN 56701  
218-681-8524

ACCOUNTS RECEIVABLE MANAGEMENT  
P O BOX 129  
THOROFARE NJ 08086-0129

AEGIS RECEIVABLES MANAGEMENT I  
ATTN PAYMENT PROCESSING  
P O BOX 165809  
IRVING TX 75016

AMERICAN EXPRESS  
BOX 0001  
LOS ANGELES CA 90096-0001

AR SOLUTIONS INC  
P O BOX 26095  
COLUMBUS OH 43226

ASSOCIATED REVOCERY SYSTEMS  
P O BOX 469046  
ESCONDIDO CA 92046-9046

ATLANTIC CREDIT & FINANCE INC  
P O BOX 12966  
ROANOKE VA 24030-2966

BANK OF AMERICA  
P O BOX 851001  
DALLAS TX 75285-1001

BANK OF AMERICA  
P O BOX 37271  
BALTIMORE MD 21297-3271

BANK OF AMERICA  
P O BOX 15726  
WILMINGTON DE 19886-5726

BANK OF AMERICA  
P O BOX 17054  
WILMINGTON DE 19886-7054

BARCLAY CARD  
CARDMEMBER SERVICES  
P O BOX 13337  
PHILADELPHIA PA 19101-3337

BP  
CARDMEMBER SERVICE  
P O BOX 94014  
PALATINE IL 60094-4014

BREMER BANK  
202 WEST JOHNSON AVENUE  
P O BOX 85  
WARREN MN 56762

CAPITAL ONE BANK  
P O BOX 60024  
CITY INDUST CA 91716-0024

CHASE  
CHASE HOME REFINANCE GROUP  
P O BOX 29505  
PHOENIX AZ 85038-9505

CHASE  
P O BOX 15298  
WILMINGTON DE 19850-5298



CHASE BANK USA  
P O BOX 15298  
WILMINGTON DE 19850

CLIENT SERVICES INC  
3451 HARRY TRUMAN BLVD  
SAINT CHARLES MO 63301-4047

CREDITORS FINANCIAL GROUP LLC  
P O BOX 440290  
AURORA CO 80044-0290

CREDITORS INTERCHANGE  
80 HOLTZ DRIVE  
BUFFALO NY 14225

DELL  
PAYMENT PROCESSING CENTER  
P O BOX 6403  
CAROL STREAM IL 60197-6403

DISCOVER CARD  
P O BOX 30395  
SALT LAKE CITY UT 84130-0395

ELITE RECOVERY SERVICES INC  
P O BOX 3474  
BUFFALO NY 14240-3474

FIA CARD SERVICES  
P O BOX 22021  
GREENSBORO NC 27420-2021

FIFTH THIRD BANK  
P O BOX 630778  
CINCINNATI OH 45263-0778

FINANCIAL RECOVERY SERVICES  
P O BOX 385908  
MINNEAPOLIS MN 55438-5908

FIRST NATIONAL COLLECTION BUREAU INC  
P O BOX 51660  
SPARKS NV 89435

GM CARD MEMBER SERVICES  
DEPT 9600  
CAROL STREAM IL 60128-9600

GURSTEL CHARGO  
6681 COUNTRY CLUB DRIVE  
MINNEAPOLIS MN 55427

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P O BOX 1390  
ANAHEIM CA 92815-1390

LAW OFFICES OF MITCHELL N KAY  
P O BOX 9006  
SMITHTOWN NY 11787-9006

LHR INC  
56 MAIN STREET  
HAMBURG NY 14075-4905

MANN BRACKEN LLC  
ONE PACES WEST STE 1400  
2727 PACES FERRY ROAD  
ATLANTA GA 30339

NATIONWIDE CREDIT INC  
P O BOX 740640  
ATLANTA GA 30374-0640

NCO FINANCIAL SYSTEMS INC  
507 PRUDENTIAL ROAD  
HORSHAM PA 19044

NCO FINANCIAL SYSTEMS INC  
P O BOX 61247  
DEPT 64  
VIRGINIA BEACH VA 23466

NIAGARA CREDIT SOLUTIONS INC  
420 LAWRENCE BELL DRIVE  
STE #2  
BUFFALO NY 14221-7820

NORTH VALLEY HEALTH CENTER  
300 WEST GOOD SAMARITAN DRIVE  
WARREN MN 56762-1412

OCWEN LOAN SERVICING LLC  
P O BOX 24871  
WEST PALM BEACH FL 33416-4781

POLARIS  
CAPITAL ONE RETAIL SERVICES  
DEPT 7680  
CAROL STREAM IL 60116-7680

SEARS GOLD MASTERCARD  
P O BOX 6936  
THE LAKES NV 88901-6936

SENTRY CREDIT INC  
P O BOX 12070  
EVERETT WA 98206-2070

SIMM ASSOCIATES INC  
P O BOX 7526  
NEWARK DE 19714-7526

SLATE  
CARDMEMBER SERVICE  
P O BOX 94014  
PALATINE IL 60094-4014

STUDENT LOAN FINANCE CORPORATION  
124 SOUTH FIRST STREET  
ABERDEEN SD 57401-4107

UNITED RECOVERY SYSTEMS LP  
P O BOX 722929  
HOUSTON TX 77272-2929

US BANK  
P O BOX 790408  
SAINT LOUIS MO 63179-0408

WELTMAN WEINBERG & REIS CO  
P O BOX 93596  
CLEVELAND OH 44101-5596

YORHOM  
1200 SOUTH COLUMBIA ROAD  
GRAND FORKS ND 58201